



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 3

#### PUBLIC HEALTH INVESTIGATIONS

##### *Compensation*

#### **30 Public health investigations: compensation**

- (1) Where subsection (2) or (3) applies, compensation is payable for loss or damage caused by—
  - (a) the investigator; or
  - (b) a person authorised by the investigator under section 22(1)(b)(i), 27(2)(b)(i) or 28(4)(a)(i).
- (2) This subsection applies where a person has suffered loss or damage by reason of—
  - (a) the exercise by an investigator of the powers in section 22(1)(a) or (b); or
  - (b) the failure by an investigator to comply with the duty in section 22(2),unless the loss or damage is attributable to the fault of the person who sustained it.
- (3) This subsection applies in the case of damage to or destruction of an article or substance in exercise of powers under section 23(1)(c) where the article or substance is found not to be the cause of the public health incident.
- (4) The person responsible for paying compensation under this section is—
  - (a) in the case of an investigator, the person by whom the investigator is employed;
  - (b) in the case of a person authorised by the investigator under section 22(1)(b)(i), 27(2)(b)(i) or 28(4)(a)(i), the person by whom the authorised person is employed.
- (5) For the purposes of subsection (4), “employed” includes engaged under a contract for services.
- (6) Any dispute as to—
  - (a) a person’s entitlement to compensation under subsection (1); or

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*Status: This is the original version (as it was originally enacted).*

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(b) the amount of such compensation,  
is to be determined by a single arbiter appointed by agreement between the parties to the dispute or, if such agreement cannot be reached, by the sheriff.